

HOUSE BILL 1846

By Howell

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-154(b), is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(1)

(A) The juvenile is fourteen (14) years of age or older at the time of the alleged act; and

(B) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, aggravated sexual battery, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, or especially aggravated kidnapping; or

(2) The conduct constituting the delinquent act, if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism.

SECTION 2. Tennessee Code Annotated, Section 37-1-153(b), is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(1)

(A) The juvenile is fourteen (14) years of age or older at the time of the alleged act; and

(B) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated

rape, aggravated sexual battery, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, or especially aggravated kidnapping; or

(2) The conduct constituting the delinquent act, if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism.

SECTION 3. Tennessee Code Annotated, Section 37-1-153(f)(1)(A), is amended by adding the following as a new subdivision:

(v) Does not have an adjudication of delinquency for a delinquent act that if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism;

SECTION 4. Tennessee Code Annotated, Section 37-1-153(f), is amended by deleting the language "In any case" wherever it appears in subdivisions (f)(3) – (5) and substituting instead the language "Except as provided in subdivision (f)(13), in any case".

SECTION 5. Tennessee Code Annotated, Section 37-1-153(f), is amended by adding the following as a new subdivision:

(13) A juvenile court shall not expunge a juvenile record following successful completion of an informal adjustment under § 37-1-110, pretrial diversion under § 37-1-110, or judicial diversion under § 37-1-129, if the child was accused of a delinquent act that if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.